

## SENATE BILL NO. 277

INTRODUCED BY STEINBEISSER, BALES, BLACK, KITZENBERG, MCNUTT, SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A SPECIAL FUEL USER'S AGRICULTURAL PRODUCT TEMPORARY TRIP PERMIT FOR A PERSON OPERATING A SPECIAL FUEL-POWERED VEHICLE OVER 26,000 POUNDS GROSS VEHICLE WEIGHT OR REGISTERED GROSS VEHICLE WEIGHT IN THE MOVEMENT OF THAT PERSON'S AGRICULTURAL PRODUCTS UPON THE PUBLIC ROADS AND HIGHWAYS OF THIS STATE; PROVIDING TERMS AND FEES FOR AGRICULTURAL PRODUCT TEMPORARY TRIP PERMITS; AMENDING SECTIONS 15-70-311 AND 15-70-312, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 15-70-311, MCA, is amended to read:

**"15-70-311. Special fuel user's temporary trip permits -- nonresident agricultural harvesting equipment special fuel permit -- special fuel user's agricultural product temporary trip permit.** (1) Any person operating a special fuel-powered vehicle over 26,000 pounds gross vehicle weight or registered gross vehicle weight upon the public roads and highways of this state who fails or neglects to carry in the vehicle a valid special fuel vehicle permit, as provided by 15-70-302, is required to purchase a special fuel user's temporary trip permit. The permits must be issued by motor carrier services division employees, Montana highway patrol officers, and other enforcing agents that the department may prescribe by order or rule.

(2) Any nonresident upon entering the state with agricultural harvesting equipment that is over 26,000 pounds gross vehicle weight or registered gross vehicle weight and that is powered by special fuel and operating upon the public roads and highways of this state who fails or neglects to carry in or on equipment a valid special fuel vehicle permit, as provided by 15-70-302, is required to purchase a nonresident agricultural harvesting equipment special fuel permit. The permit must be issued by motor carrier services division employees, Montana highway patrol officers, and other enforcing agents that the department may prescribe by order or rule.

(3) Any person operating a special fuel-powered vehicle over 26,000 pounds gross vehicle weight or registered gross vehicle weight upon the public roads and highways of this state who is using the vehicle for the movement of that person's agricultural products, as defined in 80-11-101, and who fails or neglects to carry in

1 the vehicle a valid special fuel vehicle permit, as provided by 15-70-302, is required to purchase a special fuel  
2 user's agricultural product temporary trip permit. The permit is not valid for contract custom haulers. The permit  
3 is valid for a radius of 70 miles from a point specified on the permit. The permit must be issued by motor carrier  
4 services division employees, Montana highway patrol officers, and other enforcing agents that the department  
5 may prescribe by order or rule. A permit application may be submitted electronically, and the permit may be  
6 subsequently issued when the appropriate fee required in 15-70-312(3) is received by the permit issuer. Any  
7 costs associated with the electronic application process may be added to the total cost of the permit."

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9 **Section 2.** Section 15-70-312, MCA, is amended to read:

10 **"15-70-312. Fees for temporary permits -- duration of temporary permits.** (1) Temporary special  
11 fuel permits issued under 15-70-311(1) cost \$30. The permit is valid for a period of time not to exceed 72 hours  
12 and is automatically void if the vehicle leaves the state of Montana during the 72-hour period.

13 (2) A temporary special fuel permit for a nonresident operating agricultural harvesting equipment costs  
14 \$30 per unit for the calendar year in which the fee is collected. The permit is not transferable. A unit is defined  
15 as:

- 16 (a) one truck suitable for hauling commodities;  
17 (b) one harvesting machine; and  
18 (c) pickup trucks and any other accessory vehicles.

19 (3) The cost of a special fuel user's agricultural product temporary trip permit for a person operating a  
20 vehicle in the movement of that person's agricultural products, as provided in 15-70-311(3), is:

- 21 (a) \$100 for a permit that is valid for 30 days from the date of issuance; or  
22 (b) \$300 for a permit that is valid for 3 months from the date of issuance.

23 (4) All fees collected must be remitted to the department or deposited directly in the state special  
24 revenue fund for the department."

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26 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2005.

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